# SPEECH

OF

# HON. WM. JOHNSTON, OF OHIO,

ON

THE BILL OF HON. G. W. JULIAN, TO PROVIDE HOMESTEADS ON THE FORFEITED AND CONFISCATED LANDS OF REBELS,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MAY 4, 1864.

"THE TRUE BARRIERS OF OUR LIBERTIES IN THIS COUNTRY ARE THE STATE GOVERNMENTS."—THOMAS JEFFERSON.

Mr. JOHNSTON said:

Mr. SPEAKER: A few years ago the eloquent Rufus Choate, standing in Faneuil Hall in the city of Boston, thrilled the ear of this nation with the startling and omnious declaration, "We are in the midst of a revolution, bloodless as yet." With the eye of a calm, dispassionate thinker, tracing effect to cause, he saw the coming storm; he heard the distant roar of the dashing waves of revolution in the wild, rhapsodic declamation of Wendell Phillips and Fred. Douglas; in the bold, polished eloquence of Senator SUMNER and Secretary Chase. To-day, standing in my place in this Hall, surrounded by the Representatives of the people, I declare we are now in the midst of a revolution bloody and terrible.

For three years the horrors of civil war have overshadowed our land like a dark pall. Under the various calls and conscriptions of the President from April 16, 1861, to February 1, 1864, two million and forty thousand men have been demanded to fill our armies. The angel of death sits in horrid triumph upon battle-fields, and new-made graves, and deserted hearthstones, and empty chairs, and sorrowing, weeping hearts. Our beautiful heritage presents one vast Golgotha. A national debt beyond human computation has arisen; to pay which the sinews of labor, for long generations to come, must be strung to their highest tension.

Mr. Speaker, by all the solemnities of this hour, I demand to know why are these things so? Every effect has its producing cause; and these terrible calamities that have overtaken us as a nation must be the result of some terrible wrong done or derangement existing in the workings of our social and political system. As wise men, does it not behoove us to stop, examine, and inquire?

History tells us, Mr. Speaker, it likewise told the fathers who framed our admirable Constitution, that the "supreme power" in a Government, under all forms, in all countries, and in all ages, had never failed to overleap all barriers and restraints of human contrivance, and to become oppressive. Hence the many revolutions, the many bloody battle-fields, that mark the line of this world's history. Many of those men who framed our Constitution, including the noble Washington, were themselves just from the gory battle-fields of our revolutionary struggle, where for seven years they had fought, not to wrest new privileges from the British Crown, but, in the language of their own immortal Declaration, because "the history of the King of Great Britain is a history of repeated injuries and usurpations." Hence, to meet that very difficulty, to restrain that "supreme power" of a Government, to compel it to move within its appropiate sphere, and to secure to them the rights for which "Governments are instituted among men" our fathers formed two equal and co-ordinate governments, to wit, our State and Federal; each equally supreme in its authority and jurisdiction within its appropiate sphere of action, and each a complete check upon the other. And over all they ordained a Constitution, not speculative or rhetorical, but moral and practical; a thing for use and the regulation of affairs. They proclaimed it the "supreme law of the land," the criterion of all subordinate legislation, of all official conduct, and of the civil obligations and morality of every citizen of every State.

Each of these two governments is operative in the several States; but each government has its distinct, well-defined sphere of action. The powers appertaining to these two several governments are delegated powers.

But while one of these governments is invested with certain specified powers, the other is just as completely and certainly divested of those same powers. Each of these governments is supreme and paramount within the sphere of its defined powers, and within its appointed sphere neither can be subordinate to the other. This doctrine of the sovereignty and independence of the several States within their appropriate sphere as co-ordinate powers in the General Government is in perfect harmony with the philosophy and principles upon which our system of Government was constituted, to wit, a division of political power, with a view to checks and safeguards against abuse, by the mutual action and reaction of the various departments upon each other.

And how beautifully and harmoniously our system of government has worked, without a jar or a discordant note, under its different political administrations, until the sectional movement of 1856 was consummated in 1860 by the election of a sectional President for a sectional end, and in obedience to fanatical ideas! From that hour peace has forsaken our heritage and sorrow crowds our borders.

President Lincoln, as he journeyed to this capital in the spring of 1861, declared, in one of those remarkable speeches by the way, that "the States occupy the same relation to the General Government that the counties do to a State." Scarcely had the inauguration oath dried upon his lips until he announced to a stricken and terrified people that "the States of this Union are but the creatures of the General Government." State rights, under the Constitution, for the first time in our national history, were then denied. The distinguished gentleman from Maryland, [Mr. DAVIS,] a leading light and teacher of this new doctrine of "reconstruction," like a bold innovator, declares in a speech delivered in New York that "State sovereignty is national wrong." The President's pro-consul in the State of Louisiana, General Banks, as the representative of the Federal Government, in a proclamation addressed to the loyal people of that State, at once gives form and fact to the theory of the President, by announcing that "the fundamental law of the State is martial law; that so much of the Constitution and laws of Louisiana as recognize, regulate, and relate to slavery, being inconsistent with the present condition of public affairs, are inoperative and void." The President, under date of January 20, 1864, in his order to General Steele, pro-consul in the State of Arkansas, declares certain portions of the Constitution of that State null and void, and directs the Legislature, when assembled, what laws they shall pass. And the pro-consul of Tennessee, Andrew Johnson, announces to the people of that province, that "the people of the United States made the Constitution;" and from that premise argues that whatever the people of the United States, in their collective capacity, want at any time must be accorded, no matter what reserved rights or institutions of a State or States might thereby be affected. And a leading Senator in Congress, [Mr. SUMNER,] who deserves the name and position of Sir Oracle to this Administration, not to be outdone in innovation, declares that "whatsoever powers are not prohibited in the Constitution, the Federal Government has the right to exercise." And in his celebrated Atlantic Monthly magazine article he relieves his pent-up indignation by referring to "the miserable pretension of State sovereignty," and the "pestilent pretension of State rights." And the gentleman from Massachusetts [Mr. BALDWIN] entitled the speech which he delivered in this Hall, some weeks ago, "State sovereignty and treason," as if they were convertible terms. And now we have a proclamation of amnesty from the President, in which he sets forth the doctrine of reconstruction of States; that those States hereafter reconstructed may or may not hold the boundaries or the name of the States destroyed; that, by command of the President, the whole population of certain States are stripped of all political rights until they are purged and restored to their political status by the President.

By this new doctrine of our national construction, the beautiful system of governmental checks is destroyed, and the reserved "independence and sovereignty of the States" is broken down; and that beautiful constellation of sovereignties, each in its orbit, that for eighty years have kept the centripetal and centrifugal path around the Constitution are thrown into anarchy and confusion, and State now clashes against State in wild confusion, and tending to utter ruin. And the President, by virtue of this usurped power, from the first day he came into office, clothed himself with all the powers of a Roman dictator; calling around him an army of a million men; surrounding his royal person and his mansion with a military guard; conscripted the unwilling citizen into his armies; suspended the writ of right; crowded the dungeons of prisons and the casemates of forts with unoffending citizens; banished shrieking women from their families and homes; issued rescripts to his proconsuls, scattered throughout the thirty-four provinces, or "creatures" of his empire. The constitutions of States are but baubles with which this master plays; the lives and liberties and rights and happiness and hopes of the people are subjects of his jest, with which he whiles away the tedium of the hours; the groans and cries and plaintive wails of a sorrowing, scathed, and peeled people, the clash and shock of battle, the roar of thundering armaments upon sea and land, are but music to his ear, for they tell the extent of his dominions and are the evidence of the measure of his power.

Against such a doctrine, so pregnant of mischief, before this august assembly of the Representatives of States, in my place, I enter my most solemn protest. True, sir, amid the

throes and convulsions, the lashings and surges of this terrible revolution, my voice may not be heard; or, if heard, may not be heeded by those who riot in this carnival of blood and sorrow. Nevertheless, true to the promptings of duty, I will throw my voice of condemnation and rebuke into this great whispering gallery of the nation, that, perchance, as its echoes are borne away amid the hamlets of a sorrowing people, it may fall upon the ear of some listening Hampden, some waiting Sidney, some suffering Tell, some panting Curran, some hopeful Washington.

This new doctrine of our national construction is a fearful assumption of unwarranted power—an awful stride toward a centralized Government. It forces at once upon us, as well as upon the country, the momentous question, is our Government a national Government, and the States but mere provinces thereof, or is it a Federal Government, a Government of a community of independent and sovereign States, united by a compact or agreement?

The inquiry demands the calm and earnest investigation of every man in the nation. If this claim of national power made by the President and his party is true, then the sovereignty and reserved rights of my noble State of Ohio are stricken down, and your State as well, Mr. Speaker, and the State of every Representative upon this floor. Then these mighty States, instead of being, in the language of Jefferson, co-ordinate branches of the Government, of equal order, of the same rank or degree, become dependencies, mere corporations for purposes of taxation and conscription.

Let us descend to first principles, and like earnest inquirers ask, what is a National Government? I answer, it is a Government of the people of a single nation, exercising complete and perfect supremacy over all persons and things within its boundaries that can be made the lawful objects of Government. What is a Federal Government? It is a Government of a community of independent and sovereign States, united by a compact or agreement. Is ours a National or a Federal Government?

At the time of the formation of this Government, there were men who feared that the Federal Government might, by usurpation, destroy the independent sovereignty of the several States; a fear which has culminated in our day to a sad reality. To dispel such fears and remove such opposition to the ratification of the new Constitution, just submitted to the people of the States, Mr. Madison, one of the fathers not only of the Constitution but of the Federal Government, published the following article, explanatory of the rights of the States under the new Federal Government. I quote from the thirty-ninth number of the Federalist:

"The idea of a national Government involves in it not only an authority over the individual citizen, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation this supremacy is completely vested in the national Legislature. Among communities united for particular purposes it is vested partly in the general and partly in the municipal Legislatures. In the former case all local authorities are subordinate to the supreme, and may be controlled, directed, or abolished by it at pleasure. In the latter, the local or municipal authorities form distinct and independent portions of the supremacy, no more subject within their respective spheres to the general authority than the general authority is subject to them within its own sphere.

"In this relation, then, the proposed Government cannot be deemed a national one, since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects."

This clear, distinct, and emphatic announcement of the construction, powers, and jurisdiction of our Federal Government, should be to every candid and honest mind conclusive, unless the question is raised as to whether Mr. Madison understood the operations of the Government he so earnestly labored to create.

The thirteen original colonies, or States, that formed our present Union were at the time of the formation of that Union, and for a time whereof the memory of man runneth not to the contrary sovereign and independent States, save the allegiance they severally owed to the British Crown. In the year 1778, when oppressed by British tyranny, the thirteen colonies, or States, entered into a compact, known and designated as a Confederation, and adopted "Articles of Confederation," explanatory of the objects and purposes, and limiting the powers of the Confederation.

The first and second sections of these "Articles of Confederation" read thus:

"ART. 1. The style of this Confederacy shall be, The United States of America.

"ART. 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

Now, Mr. Speaker, have we not all been taught, by men in every school of politics, that the Confederacy was not a national Government, but a simple compact or league between sovereign and independent States for the purposes as expressed in the third article, in these words:

"The said States hereby severally enter into a firm *league* of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare."

But that long admitted and unquestioned fact is now distorted into an argument by the friends of this Administration by which to justify the shameless usurpations of power, and the iron reign of despotism over sovereign States and citizens now exercised by the General Government. These apologists for despotism and national wrong tell us, true, the Articles of Confederation tied the hands of

the General Government and exalted the sovereignty and independence of the States, and thereby proved a failure; and to remedy this defect the present Constitution was formed, whereby the powers of the Federal Government were expanded and increased, and the sovereignty and powers of the States diminished, and rendered subservient to that of the national Government; that in the adoption of the Constitution of the United States the people of each State surrendered and transferred their local sovereignty and rights to the people of all the States in the aggregate; and that then and thereby the people of all the States of the Union became consolidated into one single community or national Government.

Such is the argument of these apologists of lawless, shameless tyranny.

But, Mr. Speaker, the history of our present Federal Constitution tells us a different story. It tells us that the Convention which framed that Constitution was convoked, not by any act or authority of the people of the several States in mass, but by a resolution of the Confederate Congress. And it was called, not for the purpose of establishing a national Government, and the surrendering of the sovereignty of the people of each State to that national Government, as is now claimed, but, in the very language of the resolution itself of the Congress of the Confederation calling that Convention, it was—

"For the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several State Legislatures such alterations and provisions therein as shall render the Federal Constitution adequate to the exigencies of the Government and the preservation of the Union."

Thus the objects and purposes of the Convention thus called were clearly defined; and with those distinct objects in view, delegates to that Convention were appointed, not by the people of the States in the aggregate, but by the Legislatures of the several States. In the Convention which framed the Constitution of the United States the delegates voted by States, each State casting one vote, and after its formation was submitted for ratification to the several States, and was approved, not by the vote of the mass of the people of the United States, but by each State acting separately thereon for itself, as an independent sovereignty. In all this there was no dwarfing of the rights of the citizen and the sovereignty of the States into a great national Government.

Am I correct? Let us appeal to Mr. Madison again, in the same number of the Federalist from which I have already quoted, in which he appeals to the people to ratify the Constitution submitted to the States:

"This assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States. The act, therefore, establishing the Constitution will not be a national but a Federal act."

And further on he says:

"Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then the new Constitution will, if established, be a Federal and not a National Constitution."

The present Federal Constitution, therefore, was ordained and established not by the whole people of the United States, collectively or in mass, as a distinct community, but by the several States, the people of each acting in the name and by the authority of their State, as a distinct, sovereign, independent people, and that the Constitution thus formed was a mere continuation of the same Union, and a mere revision or remodeling of the Articles of Confederation, wherein the several States had expressly stipulated that the condition of their union was, that "each State retain its sovereignty, freedom, and independence."

The preamble to the Constitution declares that it was ordained and established "for the United States of America." What, then, are "the United States of America" but the several States united by a compact or agreement of limited and expressly defined powers? And what was the object for which these States were thus united? To destroy and abolish the States, as independent and sovereign communities, and establish a great national Government for the American people collectively? If so, would not so great a change in the political status of a people ever jealous of their rights and watchful of every encroachment of governmental power have been made clearly manifest by provisions leaving no grounds for doubt? Think you that a stern and stalwart people, who could fight and battle for seven long years rather than pay a tax without representation, which was the evidence of their nationality and sovereignty as a people, would merge their identity in the new Government under the Constitution if the same was not to be a continuation of "the United States of America," under the Articles of Confederation, which provided that "each State retain its sovereignty, freedom, and independence?"

But that object is announced in the Constitution itself in the words "to form a *more* perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." "To form a *more* perfect Union," thus recognizing the existing Union under the Articles of Confederation, and simply proposing to render it "more perfect." What Union is here referred to? Surely nothing more nor nothing else than the Union between the independent and sovereign States already existing. Then the object sought to be accomplished by a substitution of the Constitution of the United States for that of the Articles of Confederation was to perfect their

union as distinct and sovereign communities, to establish justice among the States, to insure their domestic tranquility, to provide for the common defense and general welfare of the States, and to secure the blessings of liberty to them and their posterity as the people of several distinct communities.

In all this the Federal character of this Government is explicitly declared as distinguished from a consolidated national Government of people; and there is nothing which amounts to anything like a surrender of State sovereignty by the people of the States, and a transfer of it to the whole people of the States collectively as a distinct community or consolidated nation of people.

If then I am correct—and as to that I submit to the judgment of candid men—it must be apparent that the Government of the United States was ordained and established by sovereign and independent States, with powers limited and well defined, derived from the States, and is therefore *mutatis mutandis*, the "creature" of the several States, and not the States "the creature of the General Government," as announced by the President.

A State government is a government of a community of people. The Federal Government of the United States is a Government of a community of States. Such was the beautiful system of government formed by our revolutionary fathers, and now so ruthlessly attempted to be destroyed by furious Jacobins. Thomas Jefferson, in writing to his friend Destutt De Tracy, said:

"The true barriers of our liberties in this country are STATE GOVERNMENTS; and the wisest conservative power ever devised by man is that of which our Revolution and present Government found us possessed." * * * * *

"The republican Government of France was lost without a struggle, because the party of 'one and indivisible' prevailed."

If one of our States can, upon its whim, nullify a law or set aside the Constitution of the United States, that would destroy the independence of the Federal Government as an equal and co-ordinate power with that of the States. So, if the Federal Government can abrogate in whole or in part the constitution of a State, or disregard the "reserved rights" of a State, as is now done by the President and his pro-consuls, that would destroy the independence of the States as a co-ordinate power of the Government, and would inaugurate the party of "one and indivisible," which Mr. Jefferson said destroyed the republican government of France. It would, in a word, be the consummation of the worst fears entertained by the fathers in the formation of our Government and Constitution.

It may not, Mr. Speaker, be wholly unprofitable for us all to go back to the earlier days of the Republic, and talk with those sincere and noble men who walked with Washington and Jefferson and Franklin and Hamilton and Madison and Lee and Henry; to examine the history of the formation of this very Government: the fears, the doubts, the wishes and hopes of those "holy men of old," as they laid the foundations and reared the structure of this great governmental fabric of ours. And as we wander among their early works, and listen to their instructive teachings, I pray you mark well how sedulously they labored to guard the rights of the States, how they feared that in time that simple Federal Government, with a few, very few, limited and well-defined powers, might become an immense, colossal, consolidated Government, absorbing and swallowing up the "sovereignty, freedom, and independence" of the several States. How careful they were to stipulate, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are RESERVED to the States respectively, or to the people."

When the Convention, over which General Washington himself presided, had agreed upon a Constitution, it was sent to the different States to be considered by them, and, if approved, to be ratified.

New Hampshire ratified the Constitution by a majority of eleven votes, in a convention of one hundred and three, and even this meagre majority was not obtained until amendments were proposed calculated to quiet the fears of the people against an undue administration of the Federal Government.

Massachusetts called a convention of her people "to ratify an explicit and solemn compact." The contest in that convention was long and animated upon the probable consolidation of the Federal Government and the eventual swallowing up of the local governments. In a convention composed of three hundred and fifty-five members, the new Constitution received a majority of but nineteen votes.

Rhode Island refused to participate in the Convention that framed the Constitution, and did not join the new Federal Government until after the other States had ratified the Constitution, and Congress had assembled under it.

Connecticut, being a small State, was exceedingly jealous for her State sovereignty; and that the smaller States should not be swallowed up in the new Government, she insisted that each State, without regard to size, should have an equal representation in the United States Senate. Said Mr. Ellsworth, "These small States must possess the power of self-defense." Said Roger Sherman, "The Government of the United States is Federal, and instituted by a number of sovereign States." Said another member of her convention, while insisting upon the sovereignty of the States, "The structure of the Federal Government rests like a most magnificent bridge built on strong and stately pillars, and these pillars could not be destroyed without the consequent destruction of the superstructure."

New York. If you will examine the draft of the Constitution you will find that the same

is signed by but one delegate from the State of New York, to wit, Alexander Hamilton. New York was represented in the Convention by two other delegates, to wit, Robert Yates and John Lansing. But these two colleagues of Alexander Hamilton retired from the Convention long before the conclusion of its labors, under the solemn apprehension that the proposed plan of Government would end in consolidation. Alexander Hamilton, as we all know, was a friend of a strong Government, and in the Convention proposed a plan of Government; yet in the Convention, and before the people of New York, he persistently denied that he ever intended the abolition of the State governments. So severe was the contest in New York, that in a convention of fifty-five members the Constitution was ratified only by a majority of five.

New Jersey ratified the Constitution by a unanimous vote, assured that State equality and State sovereignty were fully recognized by the equal representation of the States in the United States Senate.

Pennsylvania ratified the Constitution after a warm and severe contest. Her jealous statesmen could see nothing but consolidation in the new Government. The very preamble to the Constitution was cited in evidence of an intended consolidation of the States, in the expression, "We, the people of the United States." But this doubt was dispelled by an appeal to the people by a member of the Convention, in which he said:

"Though the Federal Convention proposed that it should be the act of the people, yet it is to be done in their capacities as citizens of the several States of our Confederacy, who are declared to be the people of the United States."

It was further insisted, by way of allaying the fears of the people, that the new Government would end in a consolidation, that the Constitution reserved to the States the appointment of all officers of the militia and the training of the same, by means of which the States would have a powerful military support, wherein no citizen of another State could hold any position. Notwithstanding all this, one-third of their convention voted against the ratification of the Constitution, and even issued an address to the people setting forth their apprehensions that the Federal Government would assume colossal strength, and eventually destroy the rights and liberties of the people of the States.

Delaware ratified the Constitution with unanimity, being pleased that she was put on an equality, as a State, with the great States of New York and Virginia.

Maryland ratified the Constitution, but with the understanding that amendments would be made thereto. Resolutions were introduced into the State convention expressive of the sentiments of the convention against a consolidated Government, against the abrogation of State constitutions and bills of right.

Virginia, within whose borders lived the very fathers of the Constitution—Washington and Madison—ratified the Constitution by a mere majority of five. They earnestly desired a Federal Government; but they trembled lest they might thereby put in jeopardy the rights of her people as citizens of a sovereign State. She dreaded a consolidated Government. Patrick Henry exclaimed, "The Constitution has an awful squinting toward monarchy." It required the wisdom and argument of her best men to persuade her people that under the Federal Government the reserved rights of the States were fully guarantied in the new Constitution.

North Carolina in a convention of two hundred and sixty-eight members, refused to ratify the Constitution by a majority of one hundred, until amendments were actually made securing to the State all the sovereign rights she had; except such as were expressly delegated.

South Carolina ratified the Constitution by a vote of one hundred and forty-nine to seventy-three. But to that ratification she appended this solemn proviso:

"That no section or paragraph of the said Constitution warrants a construction that the States do not retain every power not expressly relinquished by them and vested in the General Government of the Union."

Georgia ratified the Constitution with unanimity.

And thus, Mr. Speaker, our beautiful Constitution and inimitable form of Government were launched in the full assurance and well-grounded hope, that the sovereignty of the States and the liberties of the people were preserved for all coming time.

For eighty years, under this idea of the construction and working of our Government, we have lived and prospered; for eighty years the Puritans of New England, the Hollanders of New York, the Quakers of Pennsylvania, the Swedes of New Jersey, the Cavaliers of Virginia, the Huguenots of South Carolina, have lived together as one people; for eighty years men of all nations, languages, and climes have enjoyed here a freedom of thought, of speech, of worship, of action, that have carried us to the very acme of civilization, territorial expansion, and national happiness; for eighty years these States, leaving to each one unrestrained liberty to to grow and develop itself after its own plan, to follow such track of progress and civilization as its climate, soil, productions, character of its race and people might render expedient, have kept the march of empire; for eighty years, as a nation, we have happily developed the governmental idea of "diversity in unity," in religiously reserving to each State, as provided by the Constitution, perfect freedom for all domestic institutions and purposes, and relieving the central Government of all control or responsibility over their internal progress or affairs.

But a change came over the spirit of the people. On the 4th day of March, 1861, for

the first time since the organization of our Government, a new party, the Republican party, a party pregnant of mischief crept into power, howling as they came that our well-developed idea of "diversity in unity" was a mistake; that States constituted as ours were, part slave and part free, could not so exist; that instead of being a "diversity in unity" they were antagonisms, and one must destroy the other. That party came into power mad with hopes long deferred. Its President was elected upon a platform annulling the decision of the Supreme Court of the United States, and setting at defiance the highest judicial arbitrament of the land; and the first official announcement made by the President to the people was, that he would make the platform of his party the rule of his action. Thus was announced to the people of the country that not the Constitution, but the will of the Republican party, as inscribed upon their platform, should be the law of all the States. They came into power determined to crush out and trample down all personal and State rights, no matter how sacred or time-honored, that should stand in the way of their desires. Reckless, lawless, anarchical, revolutionary, fanatical, filled with the mania of one idea, and blind to all else, they have driven the Government crashing through all the checks which were intended to regulate and guide it, until already we are cowering upon the abyss of a common ruin. A party that entertains no reverence for the Constitution, heedless whether the Republic stand or fall, welcoming dissolution of the Union, welcoming war, havoc, and desolation, if only slavery is put down and their unholy ambition gratified.

When that miserable old wretch, John Brown, inaugurated an invasion of the State of Virginia, seized the United States Government armory at Harper's Ferry, put pikes into the hands of ignorant and inflamed negroes, and commenced the indiscriminate murder of helpless women and children and unarmed men; and while the whole land rang with one bitter curse against the inhuman fiend as he expiated his nameless enormities upon the gallows, you might have heard the voice of my colleague from the Cleveland district, [Mr. SPALDING,] on that day in Melodeon Hall, in the city of Cleveland, exclaiming:

"I claim John Brown as a hero, true to his conscience and true to his God. We have met to honor him for his faithfulness to his convictions of duty and his principles. We have met to honor those principles and the cause in which he died."

Senator WILSON, of Massachusetts, in a speech at Syracuse, New York, in 1859, said:

"I tell you, fellow-citizens, the Harper's Ferry outbreak was the legitimate consequence of the teachings of the Republican party:

John Brough, the present Republican Governor of Ohio, in a speech during the political canvass last summer, said:

"Slavery must be put down, rooted out, if every wife has to be made a widow and every child to be made fatherless."

Said I not truly, that this Republican party entertains no reverence for the Constitution, welcoming war, havoc, and desolation, if only slavery is put down, and their unholy ambition gratified?

In further confirmation of this, let me call the attention of this House and of the country to a pronunciamento of the Republican party, published sometime ago in the New York *Times*, the leading organ of this Administration; and I desire you to observe with what strict, unfaltering minutæ its reckless, lawless, revolutionary behests have been executed over the entire loyal States of the Union.

"The Government at Washington will need all the unity and efficiency contemplated in recent proclamations. It will require a million men and proportional supplies. Martial law over the entire North is a national necessity. If the Governors of the northern States manifest a factious spirit the provost marshals will have the power to keep them in order. If State Legislatures should undertake to interfere with the action of the General Government necessary to the prosecution of the war they will come under the action of martial law. And if the action of any political party shall threaten to change or paralyze the movements of the Government it will doubtless be competent for the provost marshal in any State to suspend political meetings and postpone elections. If the Constitution of the United States is to be construed according to the necessities of a civil war of vast proportions the constitutions of individual States cannot be allowed to stand in the way of its vigorous prosecution."

* * * * * *

"They tell us that the President cannot do this or that; that his proclamations are only waste paper. They appear to have very little idea what the Commander-in-Chief of the Army and Navy of the United States can do. A man of firm and resolute will, with a million men in arms to support him, can do pretty much what he pleases. They have to learn that paper constitutions, however convenient they may be, can be amended when necessary, suspended, or laid aside altogether; and that it is no longer a question what this or that Constitution authorizes, but what is necessary to be done to make thirty-four States and a vast territory ONE NATION."

Mr. Speaker, did I not truly say that this party in power is determined to make its will the law of all the States, despite our constitutions? The President has long since assumed the memorable declaration of Louis XIV of France: "The State—I am the State!" And when the Democracy demands by what clause of the Constitution? the answer is that of the Roman slave mistress, *Stet pro ratione voluntas*. The President, in effect, has told the people of the country, "The thing which I will is absolutely the best thing for the Republic; and all those who dare to place obstacles in the way of my will are evidently and unquestionably the enemies of the Government." And this new doctrine of power is thundered in the Senate; is re-echoed in this Hall; is made the test of "loyalty" in those miserable dens of Jacobins that now spot our land, called "Loyal Leagues;" and the special organ of the President in this capital, whose editor holds high position to-day

in the American Senate, not to be outdone in "loyal" subserviency to him who wears the purple, exclaims, "The President is the instrument of God!"

And now, in presence of this "instrument of God," laws must be silent, constitutions must place no check upon executive authority. Stand still, you Representatives of the people! Stand still, my countrymen, and see "a man of firm and resolute will, with a million men in arms to support him, do pretty much what he pleases." See him violate our ancient right of freedom of speech by arresting and imprisoning citizens for utterances of sentiments which he deemed distasteful. See him violate the freedom of the press by suppression of newspapers all over the country. See him violate those great immunities of freemen, security from arrest when no crime is charged, and from unlawful search and seizure. See him violate the great constitutional right of the citizen to a trial by jury. See him suspend the writ of *habeas corpus*. See him abrogate the rights of property of the citizen, loyal and rebel alike, by mere proclamations. See him violate the freedom of religious worship by dispersing congregations with files of armed soldiers and sending ministers into exile. See him violate our old prerogative, to worship God according to the dictates of our own conscience, by establishing a system of advowson, by placing churches under the care of military commanders with authority to depose ministers whose theological tenets do not meet the approbation of the War Department. See him, by means of his infamous conscription laws, break down the last muniment of State protection in the constitutional right of the State authorities to call out and drill the militia, and, when called into the service of the United States, to appoint the officers who shall command them. See how completely he has destroyed the hitherto unquestioned right of the people to elect their representatives, both State and Federal, by interposing military orders, test oaths, and military guards around election precincts, and thus coercing the election of Governors and Representatives in Congress friendly to the President and his policy, as was done in Kentucky, Delaware, and Maryland.

And while every honest head should be bowed in shame and sorrow that these things are so, a leading organ of the Administration, in justification, exclaims:

"We do not find fault with the machinery used to carry Maryland and Delaware. Having nearly lost the control of the House by its blunders in the conduct of the war from March, 1861, to the fall of 1862, the Administration owed it to the country to recover that control somehow. To recover it regularly was impossible; so irregularity had to be resorted to. Popular institutions will not suffer, for the copperhead element will have a much larger number of members in both branches than it is entitled to by its popular vote. Ohio, with its ninety thousand Republican majority, will be represented by five Republicans and a dozen or more copperheads. It is fitting that this misrepresentation of popular sentiment in the great State of the West should be offset, if necessary, by a loyal delegation from Maryland and Delaware, *won even at the expense of military interference.* If laws are silent amid the clang of arms, we must take care that the aggregate public opinion of the country obtains recognition somehow or other."

Where are we tending? Where now is the old *regime* of the fathers? If the "control of the House" must be "somehow" secured, and if President Lincoln, as announced in the court journal, is the "instrument of God," how long may it not be, Mr. Speaker, before some Cromwell with military cohort, may stand in that door and ring in your astounded ears, as once it did in that of a British parliament, "Avaunt! the Lord hath no further need of your services?" Yonder in the vista, upon the historic page, stands the angry Cromwell, who claimed to be the "instrument of God," with flashing sword in hand, exclaiming, "Sir Harry Vane! Sir Harry Vane! the Lord deliver me from Sir Harry Vane!" And here is its counterpart. Before our eyes, on yesterday in time, we saw our angry President stand, "with a million of men in arms to support him," exclaiming, "Vallandingham! Vallandingham! the Lord deliver me from Vallandingham!"

I declare, advisedly, that if this system of usurpation of the rights of the States, and this rule of despotism over the people is to be continued, then the object for which the Federal Government was constituted, "to promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," fails, and the General Government becomes a curse, and not a blessing. Holy God, grant a speedy return of the day when the constitution shall again "be the supreme law of the land;" when our noble Army of veteran soldiers shall again return from battle-fields to peaceful, happy homes; when the brazen gates of Janus shall be closed; when these chairs around me, that for three long, sad years have been empty, shall again be occupied by intelligent and patriotic Representatives; when these beautiful escutcheons of thirty-four States, that now look down so sadly from these vaulted ceilings, shall once again behold assembled here the representatives of a reunited confederation of free, happy, and independent States.